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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,997	11/21/2001	Masayuki Katogi	1-15604	2453

7590 12/19/2003  
MARSHALL & MELHORN, LLC  
Phillip S. Oberlin  
8th Floor  
Four SeaGate  
Toledo, OH 43604

EXAMINER

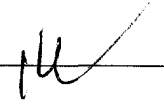
ZEADE, BERTRAND

ART UNIT PAPER NUMBER

2875

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/989,997	Applicant(s) KATOGLI ET AL.	
	Examiner Bertrand Zeade	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 U.S.C. § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3,5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (U.S.6572241) in view of Chapman et al. (U.S.5,984,494).

Chan ('241) discloses a color wash light having:

Regarding claim 1, a plurality of color light sources (24) for emitting lights of at least two different color (see fig. 5); a control unit (16) for controlling the plurality of color light sources (52,54,56); a light mixing means (see abstract) for mixing the lights emitted from the plurality of color light sources (52,54,56) to produce an illumination light; and wherein the color illumination device (16) has a first functional mode in which the value of the variable determines a color of the illumination (col. 3, lines 44-67).

Regarding claim 8, the light mixing means includes a first light diffusing member (29) and a second light diffusing member (28) interposed between the first light diffusing

member (29) and the plurality of color light sources (see fig. 2, 16), the second light diffusing member having a light transmissive property.

Regarding claim 9, the first light diffusing member (29) includes a cover (27) having a light transmissive property.

Regarding claim 10, a color illumination device (2) for producing light of various colors (52,54,56), including a plurality of color light sources (4,6,8) for emitting lights of at least two different colors (R,G,B); a control unit (16) for controlling the plurality of color light sources (52,54,56) a light mixing means (see abstract) for mixing the lights emitted from the plurality of color light sources (4,6,8/52,54,56) to produce an illumination light; and a control (14) operable by a user, wherein the color illumination device has at least two functional modes and a function of the control is defined for each functional mode (col. 3, lines 44-67),

Chan ('241) does not disclose a control operable to increase or decrease a value of a value of a variable, and a switch.

Chapman ('494) discloses a light shield for an illumination system having:

Regarding claims 1 and 10, a first functional mode (30) and a control (24) operable to increase or decrease a value of a value of a variable, and wherein the color illumination device further comprises a switch (44) operable to select one of the at least two functional modes (30).

Regarding claim 2, the color illumination device (100) has a second functional mode (44) in which the color of the illumination light is changed periodically in a predetermined pattern and the value of the variable (24) determines a cycle of the

periodic light color change, and wherein the color illumination device (100) further includes a switch or controller (44) operable to select one of the functional modes of the color illumination device (100).

Regarding claim 3, wherein when the functional mode is changed from the second functional mode (26) to the first functional mode (24) by an operation of the switch (44), the illumination light color effected in the second functional mode (26) at the time of the switch (44) operation for the functional mode change is maintained in the first functional mode (24) until the control is operated a new after the functional mode change.

Regarding claim 5, the color illumination device further having a third functional mode (30) which is different from the first and second functional modes, wherein the switch includes two different states associated with the first and second functional modes, respectively and wherein in a case that the state of the switch (44) is changed when the color illumination device is in the first functional mode (30) and returned to an original state within a predetermined time period, the color illumination device enters the third functional mode (30).

Regarding claim 6, the third functional mode (30), the color illumination device repeatedly turns on and off at a predetermined cycle, and the value of the variable determines a duration time of the turning on of the color illumination device ( col. 5, lines 55-2).

Regarding claim 7, the plurality of color light sources include a red LED (32,28) set having a series-connected plurality of red LEDs, a green LED set having a series-

connected plurality of green LEDs, and a blue LED set having a series-connected plurality of blue LEDs, and wherein the control unit (22) includes a first, second and third switching elements each connected in series to an associated one of the red, green and blue LED sets, and a CPU for controlling the first, second and third switching elements (col.5, lines 57-62).

Regarding claim 11, the control is adapted to change a value of a variable (24), and the value of the variable (24) is converted in an operation parameter defined for each of the functional modes.

Regarding claim 12, the at least two functional modes (30) comprise a first functional mode in which the value of the variable is converted into a color of the illumination light (2).

Regarding claim 13, the at least two functional modes (30) comprise a second functional mode in which the color of the illumination light is changed periodically in a predetermined pattern, and the value of the variable (24) is converted into a cycle of the periodic light color change.

Regarding claim 14, the switch (44) is adapted to provide the control unit (16) with a signal for indicating that the switch (44) is operated, and in response to the signal from the switch (44), the control unit (22 ) causes a current functional mode to switch to a next functional mode in a predetermined order of the functional modes (see figs. 4C, 5-21).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the color wash light of Chan ('241) with the control operable to

increase or decrease a value of a value of a variable, and a switch disclosed by Chapman ('494) for the benefit and advantage to provide a modular light source particularly suited for use as aircraft landing lights, mobile land vehicle headlights, indoor or outdoor area illumination, and for use in like devices, because a dual spectrum illumination system is comprised of two independent modular sources of illumination. Upon activation by an operator or user, the selected light source provides a high intensity beam of visible light.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (U.S.6572241) in view of Chapman et al. (U.S.5,984,494) as applied to claim 3 above, and further in view of Turnbull et al. (U.S.6132072).

Chan ('241) in view of Chapman ('494) disclose the claimed invention except for a detector.

However, Turnbull ('072) discloses an LED assembly having:

Regarding claim 4, the color illumination device (10) wherein the control unit (22) includes a memory for storing the color of the illumination light being produced; and a detector (U1) for detecting an operation of the control (22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the detector of Turnbull ('072) for the color wash light of Chan ('241) in view of of Chapman ('494) to provide a lighting assembly having a detector, since this type of lamp emits a highly saturated yellow light which makes detection and or identification of certain objects.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 703-308-6084. The examiner can normally be reached on 8:00 AM-5:00PM.



Application/Control Number: 09/989,997

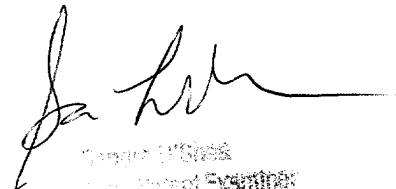
Page 7

Art Unit: 2875

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Bertrand Zeade  
Examiner  
Art Unit 2875



Sandra O'Shea  
Supervisor  
Art Unit 2875